IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.280 OF 2004
IN
WRIT PETITION NO.2485 OF 1992

Ali Ahmed M.Khan & Anr. .. Petitioners

Vs.

The Municipal Corporation of
Greater Bombay & Ors. .. Respondents

And

Fahmida D/o.Ata Mohamed & Ors. .. Applicants.

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Shri V.R.Tripathi for the applicants.

Ms N.Z.Khapra for the petitioners.

Shri Vinod Mahadik for the respondents.

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CORAM : R.M.S.KHANDEPARKAR &
V.M.KANADE, JJ.

DATED : 23rd AUGUST, 2005.

P.C.

1. Heard.

2. By the present chamber summons, the applicants are seeking direction to the original petitioners in the Writ Petition No.2485 of 1992 for joining these applicants as party respondents on the ground that

they are having their structures in the plot in question. In that regard, it is the contention of the applicants that in view of the policy of the Government revealed from the G.R. dated 30th August, 1997, they are entitled for alternative accommodation in case of their eviction from the plot in question, on account of the said plot being allotted to the petitioners in the final allotment under the Town Planning Scheme.

3. Upon hearing the learned Advocates for the parties and on perusal of the records, it is undisputed fact that the present writ petition has been filed seeking direction to the Corporation to remove the existing structures on the plot in question in view of the allotment thereof in favour of the petitioners under the Town Planning Scheme. Once it is revealed that apart from the respondents who are stated by the petitioners themselves have been in occupation of the suit plot, is also being occupied by the applicants, as revealed from the application in the chamber summons, and their presence before the Court for appropriate and final adjudication of an issue involved in the writ petition would be not only proper but necessary, and considering the same, therefore, the applicants are justified in seeking

direction which has been sought for in the chamber summons. Hence, the chamber summons is allowed in terms of prayer clause (a). Necessary amendment to the cause title to be carried out within a period of one week from today and the applicants are to be arrayed as respondents in the cause title of the above writ petition.

4. Shri Tripathi, the learned advocate, waives service for the newly added respondents. Affidavit-in-reply, if any, on behalf of the newly added respondents shall be filed on or before 2nd September, 2005. The matter to be listed for final hearing on 12th September, 2005.

(R.M.S.KHANDEPARKAR, J)

(V.M.KANADE, J)